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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,420	11/16/2001	Anthony Cake	455610-2490	8576

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EXAMINER	
BLACKMAN, ANTHONY J	

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,420	CAKE ET AL.	
	Examiner	Art Unit	
	ANTHONY J BLACKMAN	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 45-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 45-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/27/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Applicant's response to the Notice Regarding Drawings dated March 22, 2005, Applicant's file 23 sheets of formal is accepted and overcomes the objections from PTO Form 948 of Paper #9.

IDS

2. Examiner contacted Applicant 5/27/05 requesting a faxed copy of an IDS filed 8/04, but not entered, consisting of two US Patents by JORDAN et al, 4,868,785 and 5,155,836.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by ZINK et al, US Patent No. 6,738,964.

5. As per claim 1, examiner interprets ZINK et al to disclose A method for generating a graphical representation of a processing web/(internet and networks processings) of an instrument (figure 9 and column 8, line 38-column 9, line 9), comprising the steps of: determining a first processing element of said processing web (figure 9, element 1001 is the first of many "connective blocks" and column 8, line 38-column 9, line 9); placing said first processing element in a particular location based at least in part upon its location in said processing web and various inputs to and outputs from said first processing element (this feature is inherent in the disclosed graphical solutions development system of figure 5, figure 9 and column 8, line 38-column 9, line 9);determining a second processing element of said processing web(figure 9, element 1001 is the first of many "connective blocks", followed by 1102 and figures 8c and 8d elements and column 8, line 38-column 9, line 9); placing said second processing element in a particular location based at least in part upon its location in said processing web(placement is inherent as with figure 9, element 1001 and 1002 and so on-column 8, line 38-column 9, line 9), various inputs to and outputs from said second processing element (column 8, line 38-column 9, line 9, including figure 8a that shows various inputs and outputs) , and a relationship between said second processing element and said first processing element (figure 9, elements 1001 and 1002 represent "connective blocks", column 8, line 38-column 9, line 9); and connecting at least one pin of said first processing element to one pin of said second processing element (this feature is inherent between elements 1001 and 1002 and supported by figures 8a-8d).

6. As per claim 2, ZINK et al meet limitations of claim 1, including, wherein said connecting step connects an output pin of said first element to an input pin of said second element (this feature is inherent between elements 1001 and 1002 and supported by figures 8a-8d).

7. As per claim 3, ZINK et al meet limitations of claim 2, including, wherein said connecting step generates a line in said graphical representation between said output pin of said first element to said output pin of said second element (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

8. As per claim 4, ZINK et al meet limitations of claim 3, including, wherein said line is drawn including one of a plurality of designations based upon a type of data being carried thereon (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

9. As per claim 5, ZINK et al meet limitations of claim 4, including, wherein said plurality of designations are colors (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

10. As per claim 6, ZINK et al meet limitations of claim 1, including, wherein said at least one pin of said first processing element and said at least one pin of

said second processing element are coded based upon a type of data to output therefrom, or received thereby, respectively (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

11. As per claim 7, ZINK et al meet limitations of claim 6, including, wherein said coding is by color (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

10. As per claim 8, ZINK et al meet limitations of claim 6, including, wherein said coding is by symbol (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

12. As per claim 9, ZINK et al meet limitations of claim 6, including, wherein said coding is by graphical designation (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

13. As per claim 10, ZINK et al meet limitations of claim 1, including, wherein said first processing element is updated at a faster rate and said second processing element is updated at a slower rate.

14. As per claim 11, ZINK et al meet limitations of claim 10, including, wherein said update said first processing element and update of said second processing

element are synchronized (it is inherent that element 1001 is updated faster than element 1002 in figure 8).

15. As per claim 12, ZINK et al meet limitations of claim 10, including, wherein said update of said first and second processors is controlled by an update processing element (the update processing element1001 of figure 8).

16. As per claim 13, ZINK et al meet limitations of claim 1, including, wherein a viewing object may be placed at any location on the graphical representation to see a current, live output at that location (figure 8, element 908 and figure 5, element 508 and column 6, lines 50-53).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 14-21 and 45-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZINK et al, US Patent No. 6,738,964 in view of SPRENGER et al, US Patent No. 5,861,882.

19. As per claims 14 and 45, ZINK et al meet the following limitations of substantially similar claims 14 and 45,

examiner interprets ZINK et al to disclose A method for generating a graphical representation of a processing web/(internet and networks processings) of an instrument (figure 9 and column 8, line 38-column 9, line 9), comprising the steps of: determining a first processing element of said processing web (figure 9, element 1001 is the first of many "connective blocks" and column 8, line 38-column 9, line 9); placing said first processing element in a particular location based at least in part upon its location in said processing web and various inputs to and outputs from said first processing element (this feature is inherent in the disclosed graphical solutions development system of figure 5, figure 9 and column 8, line 38-column 9, line 9);determining a second processing element of said processing web(figure 9, element 1001 is the first of many "connective blocks", followed by 1102 and figures 8c and 8d elements and column 8, line 38-column 9, line 9); placing said second processing element in a particular location based at least in part upon its location in said processing web(placement is inherent as with figure 9, element 1001 and 1002 and so on-column 8, line 38-column 9, line 9), various inputs to and outputs from said second processing element (column 8, line 38-column 9, line 9, including figure 8a that shows various inputs and outputs) , and a relationship between said second processing element and said first processing element (figure 9, elements 1001 and 1002 represent "connective blocks", column 8, line 38-column 9, line 9); and connecting at least one pin of said first processing element to one pin of said

second processing element indicating a low of data therebetween (this feature is inherent between elements 1001 and 1002 and supported by figures 8a-8d), wherein said first processing element is a waveform acquisition processing (figure 9, element 1001 is the first of many "connective blocks" and column 8, line 38-column 9, line 9) however, ZINK et al does not expressly teach the following underlined features , wherein said second processing element is a display processing element. SPRENGER et al teach the above feature (see col 11, lines 4-25 and figures 1, 3, 4, 5 and 7-9 teach dynamically reconfigurable integrated test elements, (test elements with display processing capabilities)). It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify the "graphical solutions development system (integrated development environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment, where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test

elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

20. As per claims 15 and 46, ZINK et al as modified by SPRENGER et al meet limitations of claims 14 and 45, ZINK et al does not expressly teach the following features, comprising the steps of:

determining a third processing element of said processing web; and

placing said third processing element in a particular location based at least in part upon its function in said processing web, various inputs to and outputs from said second processing element, and a relationship between said third processing element and said first and second processing elements.

wherein said third processing element performs an intermediate processing step between said first processing element and said second processing element.

However, SPRENGER et al meet limitations above determining a third processing element of said processing web; and

placing said third processing element in a particular location based at least in part upon its function in said processing web, various inputs to and outputs from said second processing element, and a relationship between said third processing element and said first and second processing elements.

wherein said third processing element performs an intermediate processing step between said first processing element and said second processing element.

It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify the "graphical solutions development system (integrated development environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment, where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

21. As per claims 16 and 47, ZINK et al as modified by SPRENGER et al meet limitations of claims 14 and 45. However, ZINK et al does not expressly teach the following features and limitations further comprising the steps of: determining a third processing element of said processing web (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures

via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations);

placing said third processing element in a particular location based at least in part upon its function in said processing web (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations), and a relationship between said third processing element and said first and second processing elements (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations);

wherein said third processing element is a static memory input (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations– further, it would have been obvious to one skilled in the art at the time of the invention to add a static memory input representation from the equipment shelf of fig 2 and col 7, lines 24-30 teach a test element data file (stored (e.g., in memory 18) as being representative of the static memory input. Claimed language does not disclose distinguishability of the static memory input). It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify the "graphical solutions development system (integrated development

environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment, where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

22. As per claims 17 and 48, ZINK et al as modified by SPRENGER et al meet limitations of claim 14 and 45, however, ZINK et al does not expressly teach the following limitations as claimed further comprising the steps of: determining a third processing element of said processing web(col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations); placing said third processing element in a particular location based at least in part upon its function in said processing web(col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically

configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations), various inputs to and outputs from said second processing element(col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations), and a relationship between said third processing element and said first and second processing elements, wherein said third processing element is a display trace output including at least one processing function (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations- furthermore, it would have been obvious to one skilled in the art at the time of the invention that the configuration of the combined elements of the equipment shelf in fig 2 disclose the means of the notoriously well-known display trace output. Claimed language does not disclose distinguishability of the display trace feature).

It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify the "graphical solutions development system (integrated development environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses

hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment, where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

23. As per claims 18 and 49, ZINK et al as modified by SPRENGER et al meet limitations of claims 14 and 45. However, ZINK et al does not expressly teach the following features and limitations further comprising the steps of: determining a third processing element of said processing web(col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations); placing said third processing element in a particular location based at least in part upon its function in said processing web(col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations), various inputs to and outputs from said second processing element (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure

4 elements 452, 441E, 451, etc, showing various configurations), and a relationship between said third processing element and said first and second processing elements (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations); wherein said third processing element is a parameter output (col 11, lines 4-25 wherein the elements of fig 2 –the equipment shelf are dynamically configures via GUI processings shown in figure 4 elements 452, 441E, 451, etc, showing various configurations furthermore, it would have been obvious to one skilled in the art at the time of the invention that the configuration of the combined elements of the equipment shelf in fig 2 disclose the means of the parameter output).

It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify the "graphical solutions development system (integrated development environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment,

where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

24. As per claims 19 and 50, ZINK et al as modified meet limitations of claims 14 and 45. ZINK et al also disclose, wherein said connection between said first processing element and said second processing element is provided in a color indicative of the type of data flowing therebetween (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

25. As per claims 20 and 51, ZINK et al as modified by SPRENGER et al meet limitations of claims 14 and 45, however, ZINK et al does not expressly teach, wherein each of said first and second processing elements includes an indication of the number of inputs and outputs thereof. However, SPRENGER et al shares teachings analogous to the above limitation (see fig 3 and 4, wherein fig 3 shows three ports (input and output locations with element 464. Each input or output is indicated with the addition of successive numbers after the element. I.e., 4641, 4642 and 4643 represent three separate input and output locations). It would have been obvious to one skilled in the art at the time of the invention to utilize dynamically reconfigurable integrated test elements, (test elements with display processing capabilities) as taught by SPRENGER et al above to modify

the "graphical solutions development system (integrated development environment) with a library of development components that, in addition to software code for performing their functionalities, also include design information and environmental detection for automatic optimization (col 2, lines 30-44), including use of a local area network (col 3, lines 26-31) and also fig 7 discloses hybrid/software functionalities...that can be developed (col 2, lines 35-38) of ZINK et al because the test system configuration and operation can be defined by means of a graphical user interface/GUI (col 1, lines 10-18) provide "an improved means and method for testing radios and other electronic equipment, where selection, interconnection and programming of the various test elements are accomplished using a GUI (col 14, lines 53-57) and further, "Because the test elements are modular and detachable from the test set, they may be easily changed (col 15, lines 3-4). Therefore, it would have been obvious to modify the GSDS of ZINK et al with the GUI system of SPREGER et al.

26. As per claim 21 and 52, ZINK et al as modified by SPRENGER et al meet limitations of claims 14 and 51. ZINK et al disclose the following feature, wherein said inputs and outputs are provided in a color indicative of the type of data to be received or output thereon. (column 8, lines 25-37-the lines are representative of the connecting wires between inputs and outputs).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J BLACKMAN whose telephone number is 571-272-7779. The examiner can normally be reached on FLEX SCHEDULE.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTHONY J BLACKMAN
Examiner
Art Unit 2676

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Matthew C. Bella

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